IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2402 OF 2005

Chand Badshah Deshmukh, .. Petitioner.
Vs
Hasan Farid Shaikh, .. Respondent.

Mr S.S.Patwardhan, for the petitioner.
Mr Mahesh M.Thorat, for the respondent.

CORAM : D.B.BHOSALE,J.
DATE : 29.08.2006

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the order dated 21.2.2005 passed by the learned Jt.Civil Judge, Sr.Dn., Pandharpur, by which the application at Exhibit-31 filed by the petitioner-defendant seeking impounding of the document dated 18.11.1993 filed by the respondent-plaintiff, has been rejected. The impounding of the document was sought on the ground that it was not written on the stamp paper as required under the Bombay Stamp Act. The impugned order was passed on 21.2.2005. None of the learned counsel for the parties are in a position to state what is the stage of the suit. Keeping that in view and considering the nature of the impugned order, I do not deem it necessary to examine the merits of the contentions at this stage. It is open for the petitioner to raise all contentions in the

further proceedings if the suit is ultimately decreed in favour of the plaintiff. In the circumstances, this petition is disposed of with liberty to the petitioner to raise all contentions in appeal/cross-objections as the case may be after the disposal of the suit.

(D.B.BHOSALE,J.)